Remarks

Applicant respectfully requests reconsideration of this application as amended. Claim 5 has been amended. No claims have been cancelled or added. Therefore, claims 1-16 are presented for examination.

35 U.S.C. §103(a) Rejection

Claims 1-7 and 10-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Godfrey (U.S. Patent No. 6,091,255), in view of Bealkowski et al. (U.S. Patent No. 6,378,027). Applicant submits that the present claims are patentable over Godfrey in view of Bealkowski.

Godfrey discloses an on-chip thermometer and methods for using the on-chip thermometer to measure a local temperature and to operate an integrated circuit. The on-chip thermometer comprises a clock circuit, a temperature responsive circuit, and a counter. The clock circuit operates at a fixed frequency and generates a clock signal at the fixed frequency. The temperature responsive circuit couples to the clock circuit and receives the clock signal from the clock circuit. In response to receiving an enable signal, the temperature responsive circuit generates an output signal from the temperature responsive circuit. The counter then generates a value indicative of a local temperature of the integrated circuit. (Godfrey at col. 1, ll. 38-53.)

Bealkowski discloses a method of servicing a processor array of a computer system by quiescing a processor selected for maintenance and removing the selected processor from a processor pool used by the computer's operating system. The selected processor is then powered down while maintaining power to and operating the other processors in the

processor array. The selected processor may be identified as being defective, or may have been selected for upgrading. (Bealkowski at Abstract.)

Claim 1 recites:

A method of managing power generated within a computer system, the method comprising:
operating the computer system at a first central processing unit (CPU);
receiving a first signal at an operating system, the first signal generated by a thermal sensor within the first CPU;
selecting by the operating system a second CPU to receive a workload of the first CPU based on the first signal;
distributing the workload between the first CPU and the second CPU; and
resuming operation of the computer system at the first CPU and the second CPU.

Applicant submits that Godfrey does not disclose or suggest selecting by an operating system a second CPU to receive a workload of a first CPU based on a first signal and then distributing the same workload between the first CPU and the second CPU, as recited by claim 1. The Office Action states that Godfrey at column 5, lines 57-60 recites such features. (Office Action mailed 12/13/2005 at pg. 2.) This cited portion of Godfrey states that "[t]he control unit also re-assigns an existing process to the processor with the lowest respective local temperature from a processor with a higher respective temperature." (Godrey at col. 5, ll. 57-60.) Yet, this is not the same as selecting a second CPU to receive a workload of a first CPU and then *distributing the same workload between these first and second CPUs.* Godfrey only discloses re-assigning the workload to another CPU, not distributing the workload between the original CPU the workload was on and another CPU. Therefore, Godfrey does not disclose or suggest the cited features of claim 1

Furthermore applicant submits that Bealkowski does not disclose or suggest the cited features of claim 1. Applicant can find no disclosure or suggestion of selecting by an

operating system a second CPU to receive a workload of a first CPU based on a first signal and then distributing the same workload between the first CPU and the second CPU anywhere in Bealkowski. Therefore, Bealkowski does not disclose or suggest the cited features of claim 1.

As neither Godfrey nor Bealkowski disclose or suggest selecting by an operating system a second CPU to receive a workload of a first CPU based on a first signal and then distributing the same workload between the first CPU and the second CPU, any combination of Godfrey and Bealkowski does not disclose or suggest such a feature. Therefore, claim 1 is patentable over Godfrey in view of Bealkowski. Claims 2-4 depend from claim 1 and include additional limitations. Therefore, claims 2-4 are also patentable over Godfrey in view of Bealkowski.

Independent claim 5 also recites, in part, selecting by an operating system a second CPU to receive a workload of a first CPU based on a first signal and then distributing the same workload between the first CPU and the second CPU. As discussed above, Godfrey in view of Bealkowski does not disclose or suggest such a feature. Therefore, claim 5, as well as its respective dependent claims, is patentable over Godfrey in view of Bealkowski for the reasons discussed above with respect to claim 1.

Claims 8, 9, and 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Godfrey and Bealkowski et al. in view of Applicant's Admitted Prior Art (AAPA). Independent claims 5 and 12 both disclose selecting by an operating system a second CPU to receive a workload of a first CPU based on a first signal and then distributing the same workload between the first CPU and the second CPU. As discussed above, Godfrey in view

of Bealkowski does not disclose or suggest such a feature. Nor does the AAPA disclose or suggest such a feature. Therefore, Godfrey, Bealkowski, and AAPA, individually or in combination, do not disclose or suggest the cited features of claims 5 and 12. Accordingly, claims 5 and 12 are patentable over Godfrey and Bealkowski, further in view of AAPA. As claims 8-9 and 13-16 depend from claims 5 and 12, respectively, and include additional limitations, claims 8-9 and 13-16 are also patentable over Godfrey and Bealkowski, further in view of AAPA.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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